

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN SECTION

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2004 JUN 15 A 11:48

HELDER PEIXOTO,

Plaintiff,

v.

EXPERIAN, CRAIG SMITH.,

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Case No. 04-CV-10436 (JLT)

**CONFERENCE OF THE PARTIES REPORT**

Pursuant to the Federal Rules of Civil Procedure 16 and 26, Local Rule 16.1, and the Discovery Order, dated March 25, 2004, the parties submit the following statement:

I. AGENDA FOR SCHEDULING CONFERENCE

The parties propose that the agenda for the initial settlement conference include the following:

1. The parties' proposed discovery plan;
2. Discussion of the facts and law;
3. Settlement.

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 16.1(b), the Plaintiff, Helder Peixoto, and counsel for Defendant, Attorney Albert J. Rota, conferred by telephone on June 1, 2004. The parties agreed to a proposed agenda and a proposed discovery schedule.

II. DISCOVERY PLAN

A. Initial Disclosures

Pursuant to the Court's Discovery Order, dated May 25, 2004, the parties anticipate that all the information required by Fed. R. Civ. P. 26(a)(1) will be exchanged on or before June 15, 2004.

B. Written Discovery Requests

The parties propose that written discovery requests to a party may be served at any time after the scheduling conference. All written discovery requests must be served so that responses are due no later than July 31, 2004.

C. Depositions

The parties propose that they may notice and take depositions at any time after the scheduling conference and up to October 31, 2004.

1. Defendant's List of Persons It Wishes to Depose

Pursuant to the Court's Discovery Order, dated May 25, 2004, Defendant hereby sets forth a list of individuals it may consider deposing during the course of discovery. Defendant reserves the right to change this list as discovery continues.

- a. Helder Peixoto;
- b. Daniel Singleton or other representative of Direct Merchants Bank;
- c. Representative of A. Hohmann & Co, Inc.;
- d. Ilene M. Cox or other representative of US Credit Bureau;
- e. Cynthia McCall or other representative of Filene's;
- f. Alma Hunter or other representative of CBT Aspire;
- g. Tanya Brown or other representative of Fleet Bank; and
- h. Pauline Madayag or other representative of Providian Financial.

D. Expert Disclosure and Discovery

The parties propose that experts must be designated and reports filed by September 1, 2004. Expert depositions shall be completed by November 1, 2004.

III. FILING OF MOTIONS

The parties propose that motions for summary judgment be filed no later than December 1, 2004.

IV. PROPOSED CONFERENCES WITH COURT AND FINAL PRE-TRIAL CONFERENCE

The Defendant proposes that the Court schedule a final Pretrial Conference within 45 days of receipt of a decision of any pending dispositive motions, if dispositive motions are filed. Otherwise, the Defendant proposes that the final Pretrial Conference be scheduled as soon as practicable after the close of discovery.

V. TRIAL BY MAGISTRATE JUDGE

Defendant does not consent to a trial before a magistrate judge.

VI. PENDING MOTIONS

Currently pending before the Court is:

- A. Plaintiff's Motion for Continuance of the Initial Conference until late August; and
- B. Defendant's Motion to Dismiss Complaint as against Craig Smith.

Dated: New York, New York  
June 14, 2004

EXPERIAN INFORMATION SOLUTIONS,  
INC.



Albert J. Rota, Esq., *pro hac vice*

JONES DAY

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- and -

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was mailed, first-class mail, postage prepaid, on this 14th day of June, 2004, to:

Helder Peixoto  
161 Webster Avenue  
Cambridge, Massachusetts 02141  
*Plaintiff Pro Se*

  
\_\_\_\_\_  
Albert J. Rota

## JONES DAY

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2004 JUN 15 A 11:48

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U.S. DISTRICT COURT  
June 14, 2004 DISTRICT OF MASS.

### VIA FEDERAL EXPRESS

Clerk of the Court  
United States District Court  
District of Massachusetts  
1 Courthouse Way, Suite 2300  
Boston, MA 02210

Re: *Helder Peixoto v. Experian, et al.*,  
No. 04-CV-10436 (JLT)

Dear Madam or Sir:

Enclosed for filing please find an original and a copy of Notice of Appearance and the Conference of the Parties Report, respectively, in the above-referenced action. Would you please return a file stamped copy of each document in the envelope provided.

Thank you for your attention to this matter.

Sincerely,



Albert J. Rota

Enclosures

cc: Robert S. White, Esq.

NYI-2139894v1